



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION  
CITY VIEW PLAZA II BUILDING, 7<sup>TH</sup> FLOOR  
ROUTE 165 GUAYNABO, PUERTO RICO 00968

August 12, 2021

**VIA ELECTRONIC MAIL**

oscar\_santamaria@wastecollectionpr.com

Mr. Oscar Santamaria  
President  
Waste Collection, Corp.  
81 Ave. Muñoz Rivera  
San Juan, Puerto Rico 00918

**Re: Notice of Non-Compliance with Section 309(a) of the Clean Water Act, 33 U.S.C. § 1319(a)  
Solid Waste Transfer Station in Cidra, Puerto Rico  
Administrative Compliance Order  
Docket Number CWA-02-2020-3104  
NPDES ID: PRU098543**

Dear Mr. Santamaria:

On September 30, 2020, the United States Environmental Protection Agency (“EPA” or “Agency”) issued an Administrative Compliance Order, Docket Number CWA-02-2020-3104 (the “Order”), to Waste Collection, Corp. (“WCC”) to address violations of Sections 301(a) and 402(p) of the Clean Water Act (“CWA”), 33 U.S.C. § 1311(a) and 1342(p), respectively. The violations concern WCC’s failure to apply for and obtain National Pollutant Discharge Elimination System (“NPDES”) permit coverage for its Solid Waste Transfer Station (“SWTS”) discharges of pollutants into a water of the United States.

The Order required WCC to, among other things, submit to EPA a Plan of Action (“PAO”), including a detailed description of the NPDES regulatory and permitting, or combination of options that WCC will be seeking and implementing at the SWTS to comply the NPDES permit application regulations under 40 C.F.R. § 122.26.<sup>1,2</sup> By email dated November 6, 2020, WCC submitted its PAO. Part 3.0 (Schedule of Compliance) of the PAO included, among other tasks, the filing of an Intent to Operate (“ITO”) form by December 7, 2020.

On August 11, 2021, an EPA Official review the EPA Central Data Exchange (“CDX”) database to

---

<sup>1</sup> For compliance assistance purposes only, EPA indicated in the Order that such potential options at the time of issuance of the Order were, but not limited to: (1) written certification that WCC eliminated all industrial activities at the SWTS, as described in 40 C.F.R. § 122.26(b)(14)(viii); (2) submittal of an electronic “No Exposure Certification” through the NPDES eReporting Tool at NeT-MSGP; or (3) submittal of electronic “ITO Form”, per No Action Assurance Policy (“NAA Policy”) issued by EPA on June 3, 2020.

<sup>2</sup> The 2015 MSGP expired on June 3, 2020. The 2015 MSGP was replaced by the 2021 NPDES Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (“2021 MSGP”). The 2021 MSGP was issued on January 15, 2021, became effective on March 1, 2021 and will expire on February 28, 2026. For more information about the 2021 MSGP, please visit <https://www.epa.gov/npdes/stormwater-discharges-industrial-activities-epas-2021-msgp>.

determine the NPDES permitting status for the SWTS.<sup>3</sup> The EPA review revealed that WCC did not submit an ITO form and has not obtained NPDES permit coverage under the 2021 MSGP or an NPDES individual permit.

Based on the above and EPA's understanding that WCC continues to own and operate the SWTS, WCC continues to be in non-compliance with the Order, and the CWA and its NPDES implementing regulations. By this letter, the EPA is extending WCC an opportunity to advise the Agency, via conference meeting, or in writing, of any further information the EPA should consider with respect to this matter. EPA is proposing to hold a MS Teams video conference meeting on September 2, 2021, at 11:00 a.m. If you or your authorized official is unable to attend the scheduled conference meeting, please provide two (2) alternate dates within seven (7) calendar days of receipt by email of this letter. In such case, EPA will contact the SWTS to establish a new date and time for the conference meeting. A formal email invitation will be submitted upon your acknowledgment of receipt of this letter by email.

During the meeting or by letter, if WCC chooses so, the EPA expects WCC to present its affirmative actions to bring the SWTS into compliance with the CWA, the NPDES stormwater permit application regulations and the 2021 MSGP.

The contact information for the EPA Enforcement Officer assigned to this case is provided below:

Jaime López  
Senior Environmental Officer  
Clean Water Act Team  
Multimedia Permits and Compliance Branch  
Caribbean Environmental Protection Division  
U.S. Environmental Protection Agency,  
Region 2 City View Plaza II - Suite 7000  
#48, PR-165, Km 1.2 Guaynabo, Puerto Rico 00968-8069  
Tel. / email: (787) 977-5851 / [lopez.jaime@epa.gov](mailto:lopez.jaime@epa.gov).

Please be advised that issuance of this letter does not relieve WCC and/or its SWTS operator from its obligation to comply with the CWA and NPDES regulations. Also, this letter shall not be deemed as an election by EPA to forego any further administrative or judicial action for penalties, fines, or other appropriate relief under Section 309 of the CWA, 33 U.S.C. § 1319, arising from EPA's assessment of WCC's compliance with the CWA.

If you have any questions concerning the above, please contact Mr. López at (787) 977-5851, or through email at [lopez.jaime@epa.gov](mailto:lopez.jaime@epa.gov).

Sincerely,

Nancy Rodríguez, P.E.  
Chief  
Multimedia Permits and Compliance Branch

---

<sup>3</sup> CDX is found at <https://cdx.epa.gov/>.